

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES GYPSUM COMPANY,

Plaintiff,

V.

3M INNOVATIVE PROPERTIES COMPANY
and 3M COMPANY,

Defendants.

Civil Action No.: 07 cv 6381

Judge Darrah

Mag. Judge Keys

**AFFIDAVIT OF CHRISTOPHER K. LARUS IN
SUPPORT OF 3M'S MOTION TO DISMISS**

STATE OF MINNESOTA)

) SS

COUNTY OF HENNEPIN)

I, Christopher K. Larus, after being duly sworn upon oath, depose and state as follows:

1. I am a partner with the law firm of Robins, Kaplan, Miller & Ciresi L.L.P., and am one of the attorneys representing Defendants 3M Innovative Properties and 3M Company ("3M") in the above-captioned action. I make this Affidavit based on my personal knowledge and could competently testify as to the matters stated herein if required to do so.

2. Attached as Exhibit "A" is a true and correct copy of *Glazer v. Quebecor World, Inc.*, 2006 WL 335791 (N.D. Ill. Feb. 13, 2006).

3. On November 15, 2007, 3M filed its original Complaint in the United States District Court for the District of Minnesota captioned *3M Innovative Properties Company and*

3M Company v. United States Gypsum Company (Court File No. 0:07-cv-04625) (the Minnesota Action”).

4. Prior to filing this Complaint, 3M’s counsel contacted counsel for United States Gypsum Company (“USG”) to inquire whether USG would consent to the public disclosure of the terms of the parties’ Confidential Disclosure Agreements (“CDAs”). In response to this inquiry, USG’s counsel indicated that he would respond to this request after conferring with USG.

5. On or about November 27, 2007, USG’s counsel informed me that USG would not object to 3M’s reference to or attachment of the CDAs in public court filings. Attached as Exhibit B is a true and correct copy of a letter I sent to USG’s counsel confirming this communication.

6. On November 28, 2007, the day after USG first responded to 3M’s inquiry, 3M filed an Amended Complaint in the Minnesota Action asserting claims that USG had breached the terms of the parties’ CDAs.

FURTHER YOUR AFFIANT SAITH NOT.

s/ Christopher K. Larus

Christopher K. Larus, Esq.

**ATTORNEYS FOR DEFENDANTS 3M INNOVATIVE
PROPERTIES COMPANY AND 3M COMPANY**

Subscribed and sworn to before
me this 18th day of January, 2008.

s/LeAnn V. Lind

Notary Public

